



*Office of the United States Attorney  
District of Arizona*

---

## **PRESS RELEASE**

---

**FOR IMMEDIATE RELEASE**

Tuesday, November 30, 2004

For Information Contact Public Affairs

SANDY RAYNOR

Telephone: (602) 514-7625

Cell: (602) 525-2681

### **MEXICAN NATIONALS FOUND GUILTY OF DRUG SMUGGLING**

TUCSON, Ariz. -- Carlos Manuel Ponce-Valladares and Jose David Gutierrez-Martines, both of Mexico, were found guilty by a jury on Monday, November 22, 2004 in federal court in Tucson, Ariz. Each had been charged with one count of violating Title 21, U.S. Code, Section 846, Conspiracy to Possess with Intent to Distribute Marijuana and one count of violating Title 21, U.S. Code, Section 841, Possession with Intent to Distribute Marijuana.

Evidence during the trial showed that the defendant's vehicle activated sensors near the town of Lochiel on the United States / Mexico international border on March 20, 2004, indicating a potential illegal vehicle crossing to agents of the U.S. Border Patrol. When the truck passed a stationary Border Patrol agent on North-bound Highway 83, the driver slammed on the brakes and rapidly slowed to the speed limit. A subsequent registration check showed that the plates did not belong to the stolen truck. Border Patrol agents then conducted a traffic stop where they discovered 571 pounds of marijuana, with a street value in excess of \$250,000, concealed under a plywood cover in the bed of the truck.

-MORE-

At trial, the defendants claimed that they were only illegal immigrants who had been accosted by "border bandits" during their illegal entry into the U.S. They further testified that the "bandits" had hijacked them at gun-point and forced them to run the load of marijuana into the U.S. The jury rejected their duress defense and found them guilty of both counts. Following the trial, the government further requested that the jury return a sentencing enhancement against the defendants based upon alleged false testimony at trial. Following that proceeding, the jury returned a unanimous finding that the defendants had obstructed justice by offering false testimony while under oath.

The defendants are in federal custody pending sentencing. Sentencing is set before Judge Roll on March 1, 2005.

A conviction for Conspiracy to Possess and Possession with Intent to Distribute 100-1000 pounds of Marijuana each carries a mandatory minimum sentence of five years in prison, with a maximum potential sentence of 40 years in prison. Each charge also carries a potential fine of up to \$250,000.

The investigation leading to the guilty verdict was conducted by U.S. Border Patrol agents based in Sonoita, Ariz. and the DEA. The prosecution is being handled by Brad Giles, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: CR-04-0957-TUC  
RELEASE NUMBER: 2004-187

# # #